

Message Text

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ACTION SCSE-00

INFO OCT-01 ISO-00 L-03 H-01 /005 W

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R 211431Z AUG 74

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 3561

UNCLAS VIENNA 7295

FOR SCA/SCS FROM AMCONSUL SALZBURG

EO 11652: NA

TAGS: CASC (MONTGOMERY, GRACE)

SUBJ: W/W MRS. GRACE MONTGOMERY

REF : STATE 182148

1. PRIOR RECEIPT REFGEI AUGUST 21, AMCONSUL SALZBURG AHD
DISCUSSED CASE SEVERAL TIMES WITH MRS. MONTGOMERY AND;

A. ACCOMPANIED HER TO LOCAL ATTORNEY (DR. SCHAUPETER OF DR.
LECHENAUER'S FIRM) TO MAKE SURE BOTH PARTIES COMMUNICATED
CLEARLY;

B. WITH AGREEMENT MRS. MONTGOMERY AND DR. SCHAUPETER PROPOSED
ACCOMPANY HER TO MAKE APPEAL ON HARDSHIP GROUNDS TO CUSTOMS
DIRECTOR AND, IF THIS FAILS, TO PROVINCIAL TAX DIRECTOR.

2. FACTS OF CASE, ACCORDING TO MRS. MONTGOMERY, ATTORNEY AND
PROVINCIAL CUSTOMS OFFICE ARE THAT MRS. MONTGOMERY FAILED TO
DOCUMENT RE-ENTRY OF CAR INTO AUSTRIA. SHE CLAIMS LOCAL INSURANCE
COMPANY HAD TAKEN RESPONSIBILITY FOR FORMALITIES AND FAILED TO
TAKE ACTION IN TIME. INSURANCE COMPANY DENIES THIS. ATTORNEYS
SAY MRS. MONTGOMERY'S CLAIM AGAINST INSURANCE COMPANY (HOW-
EVER JUST) WOULD BE VERY DIFFICULT TO PROVE AND WOULD REQUIRE
YEARS OF LITIGATION. AMOUNT OF FINE PLUS CUSTOMS LEVY IS
ABOUT AS 24,000 WHICH IS PROBABLY MORE THAN PRESENT VALUE OF
CAR. CAR WAS BADLY DAMAGED IN FRANCE BY SPANISH TRUCK BEFORE
JUNE RETURN TO AUSTRIA AND REPAIRS WILL COST ESTIMATED AS 16,000
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OR MORE. ATTORNEY IS TAKING ACTION TO RECOVER THIS FROM SPANISH

INSURANCE COMPANY EVENTUALLY BUT EXPECTS PROCESS MAY REQUIRE SEVERAL MONTHS.

3. FROM WHAT WE KNOW THUS FAR, DO NOT BELIEVE ATTORNEY MISHANDLED CASE BUT IS UNDERSTANDABLY PESSIMISTIC ON CHANCES OF SUCCESSFULLY SUEING VERY LARGE INSURANCE COMPANY AND PROVING THEY MISHANDLED DOCUMENTATION OF CAR. WILL REPORT FURTHER AFTER MEETING WITH SALZBURG PROVINCIAL OFFICIALS. MOWINCKEL

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